

REMARKS

Objections

In the Office Action dated 26 March 2003, the Examiner objects to various aspects of the application. First, the Examiner indicates that the listing of references on page 2 of the application is not a proper Information Disclosure Statement (IDS). Applicants respectfully submit that these references were not intended to serve as an IDS. Instead this listing of references simply serves to provide general state-of-the-art information with respect to pay-out tubes in the Background section of the present application. As such, no IDS is required.

Second, the Examiner objects to the drawings because of several inaccurate reference numbers. As indicated in the "Amendments to the Drawings," the Figures have been corrected per the Examiner's suggestions.

Lastly, the Examiner objects to claim 14 because the Examiner believes a word is missing between "a cable container housing" and "a cable winding." However, contrary to the Examiner's interpretation, the subject of the above phrase is not "a cable container housing," but instead is "a cable container." Therefore, "a cable container housing a cable winding" should be interpreted as a cable container that houses a cable winding. As such, Applicants respectfully submit that the phrase as originally filed is correct and that no words are missing.

§112 Rejections

The Examiner rejected claims 7-9 and 14-24 under 35 U.S.C. §112, 2nd paragraph, as being indefinite. Applicants have amended claims 14 and 22-24 as suggested by the Examiner. Therefore, claims 14 and 22-24 now have sufficient antecedent basis. Because claim 14 now has sufficient antecedent basis, dependent claims 15-16 also have sufficient antecedent basis. In addition, Applicants have amended claim 17 as indicated in the "Amendments to the Claims"

section. As amended, claim 17 now includes sufficient antecedent basis. Because claim 17 has sufficient antecedent basis, dependent claims 19-21 also have sufficient antecedent basis.

Regarding the §112 rejection of claims 7-9, Applicants respectfully submit that claim 7 includes sufficient antecedent basis because “the outside” is an inherent component of “the cable container.” As stated in MPEP 2173.05(e), “inherent components of elements recited have antecedent basis in the recitation of the components themselves. For example, the limitation ‘the outer surface of said sphere’ would not require an antecedent recitation that the sphere had an outer surface.” Because a cable container inherently has an inside and an outside, “the outside of the cable container,” as recited in claim 7 has sufficient antecedent basis. Because claim 7 has sufficient antecedent basis, dependent claims 8-9 also have sufficient antecedent basis. Applicants respectfully request reconsideration.

To answer the Examiner’s question in item 10 on page 4 of the Office Action, “the tube assumes” means “the tube takes the shape of.” As such, the Examiner correctly assumed that the tube has a generally elliptical configuration.

§102(b) Rejections

The Examiner rejected claims 17-19 and 21 under 35 U.S.C. §102(b) as unpatentable over U.S. Patent 5,152,476 to Moser (herein referred to as “Moser”). As shown in “Amendments to the Claims,” claim 17 has been amended to incorporate the “generally elliptical configuration” limitation of claim 20. The Examiner indicated on page 6 of the Office Action that the prior art of record does not show the combination of a generally elliptically-shaped tube and a series of spaced-apart reinforcing ribs. Therefore, as amended, claim 17 is now patentably distinct from the cited art. Further, because claims 18, 19, and 21 depend from claim 17, claims 18, 19, and 21 are also patentably distinct. Applicants respectfully request reconsideration.

The Examiner also rejected claims 14-16 under 35 U.S.C. §102(b) as unpatentable over U.S. Patent 3,516,111 to Heyman (herein referred to as "Heyman"). Under §102, each and every element or limitation of a claim must identically appear in a single prior art reference to anticipate the claim. Applicants submit that Heyman does not meet the requirements of §102.

Heyman discloses a "self-locking bushing adapted to be fitted into an aperture in a panel" (column 1, lines 12-13). As well understood by those skilled in the art, a bushing is a metal lining. There is nothing in Heyman to suggest that the bushing is a container. In fact, column 2, lines 14-17 of Heyman states that the bushing "is a round configuration with fingers ... including shoulders 3 adapted to lock the bushing 1 in a selection of apertures in panels or walls of various thicknesses" (emphasis added). Further, as well understood by those skilled in the art, a bushing typically interfaces with a shaft. There is nothing in Heyman or in the knowledge of one skilled in the art to even suggest that the bushing of Heyman is a container. As such, contrary to the Examiner's assertions, a bushing cannot be interpreted as any kind of container, much less a cable container.

Claim 14 is specifically directed to a method of securing an end of a cable exteriorly of a cable container housing a cable winding. Because the bushing of Heyman cannot be interpreted as the cable container of claim 14, Heyman cannot teach or suggest every limitation of claim 14, as required under §102. Specifically, Heyman does not teach threading cable through a wall of a cable container, as required by claim 14. In addition, Heyman does not teach retaining an end portion outside of the cable container by inserting the end portion of the cable through a slitted surface, as required by claim 14. Therefore, Heyman does not anticipate claim 14. Because Heyman does not anticipate claim 14, Heyman cannot anticipate claims 15-16, which depend from claim 14. Applicants respectfully request reconsideration.

In light of the above arguments, Applicants submit that claims 1-24 stand in condition for allowance. Applicants respectfully request the Examiner reconsider the objections and rejections and allow the application to move forward to allowance. If any issues remain

unresolved, Applicants ask that the Examiner call the undersigned attorney so that any such issues may be expeditiously resolved.

Respectfully submitted,

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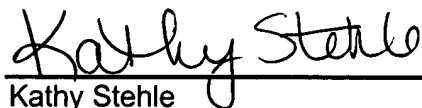
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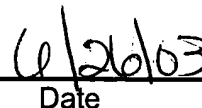

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